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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/938,001	08/22/2001	William Lunceford Barnett	50603-3	1108

23932 7590 02/14/2003

JENKENS & GILCHRIST, PC
1445 ROSS AVENUE
SUITE 3200
DALLAS, TX 75202

EXAMINER

BUTLER, DOUGLAS C

ART UNIT

PAPER NUMBER

3683

DATE MAILED: 02/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO

EXAMINER	
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DATE MAILED:

Below is a communication from the EXAMINER in charge of this application

COMMISSIONER OF PATENTS AND TRADEMARKS

ADVISORY ACTION

☒ THE PERIOD FOR RESPONSE:

- a) ☒ is extended to run _____, and continues to run 3 months from the date of the final rejection
- b) ☐ expires three months from the date of the final rejection or as of the mailing date of this Advisory Action, whichever is later. In no event however, will the statutory period for the response expire later than six months from the date of the final rejection.

Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date of the originally set shortened statutory period for response or as set forth in b) above.

☐ Appellant's Brief is due in accordance with 37 CFR 1.192(a).

☒ Applicant's response to the final rejection, filed 4/17/03 has been considered with the following effect, but it is not deemed to place the application in condition for allowance.

1. ☒ The proposed amendments to the claim and /or specification will not be entered and the final rejection stands because:
- a. ☐ There is no convincing showing under 37 CFR 1.116(b) why the proposed amendment is necessary and was not earlier presented.
- b. ☒ They raise new issues that would require further consideration and/or search. (See Note).
- c. ☐ They raise the issue of new matter. (See Note).
- d. ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.
- e. ☐ They present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE:

additions to claims 11, 13 raise new issues requiring further consideration and/or search

2. ☐ Newly proposed or amended claims would be allowed if submitted in a separately filed amendment cancelling the non-allowable claims.
3. ☒ Upon the filing an appeal, the proposed amendment ☐ will be entered ☒ will not be entered and the status of the claims will be as follows:

Claims allowed: See F
Claims objected to: _____
Claims rejected: _____

However;

- ☐ Applicant's response has overcome the following rejection(s): _____

4. ☒ The affidavit, exhibit or request for reconsideration has been considered but does not overcome the rejection because of the reasons set forth in the final rejection
5. ☐ The affidavit or exhibit will not be considered because applicant has not shown good and sufficient reasons why it was not earlier presented.

- ☐ The proposed drawing correction ☐ has ☐ has not been approved by the examiner.
- ☐ Other

DOUGLAS C. BUTLER
PRIMARY EXAMINER
AU36f3

Art Unit: 3683

DETAILED ACTION

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 3, line 3 recites " a master cylinder" as does claim 1, line 13. The double recitation should be corrected.

3. Claims 15-16 and 18 are allowed.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-2, 4-5, 7-8, 10, 14, 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Abrams et al(3981542), of record.

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Figures 1-3 of Abrams et al(3981542) disclose a fluid pressure sensor or transducer 22 responsive to fluid pressure generated by master cylinder 11. See column 7, lines 5-16 of Abrams et al. Figure 3 of Abrams et al discloses a CPU with voltage boost as broadly recited. Recitations of “additional” voltage and “standard voltage” are very general recitations readable on the operation of electric trailer brakes 19 of Figures 1-3 of Abrams et al.

7. Claims 11-12 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abrams et al(3981542), of record, in view of Rossigno(3790807), newly cited.

The principal reference to Abrams et al(3981542) discloses the invention substantially as claimed. However, the principal reference to Abrams et al(3981542) does not disclose the features directed to the visual display of the brake operation of the trailer brakes to the operator in the tractor.

The secondary reference to Rossigno(3790807), newly cited, teaches a visual indicator 170 for permitting the vehicle operator to know when the trailer brakes have been activated.

It would have been obvious at the time the invention was made to one having ordinary skill in the art to which the invention pertains to modify the principal reference to Abrams et al(3981542) to include a visual brake and display/control panel indicator as taught by Rossigno(3790807) to permit the vehicle operator to know when the trailer brakes have been activated.

8. Claims 13 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abrams et al(3981542), of record, in view Hubbard(3823985), newly cited.

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The principal reference to Abrams et al(3981542) discloses the invention substantially as claimed. However, the principal reference to Abrams et al(3981542) does not disclose the feature of manually controlling the electric trailer brakes.

The secondary reference to Hubbard(3823985) teaches manual control 24 for electric trailer brakes.

It would have been obvious at the time the invention was made to one having ordinary skill in the art to which the invention pertains to modify the principal reference to Abrams et al(3981542) to include a manual control of the trailer brakes as taught by Hubbard(3823985) to permit the operator to apply the trailer brakes independently of the tractor brakes during back up operations or to avoid trailer sway.

9. Applicant's arguments filed September 17, 2002 have been fully considered but they are not persuasive. Applicant argues that the prior art lacks a fluid pressure sensor for providing pressure information to a CPU based upon fluid pressure in the towing vehicle brake system.

Note that each of the applied references to Abrams et al(3981542), Rossigno(3790807) and Hubbard(3823985) discloses pressure sensors 21 in Figure 2 of Abrams et al, 110 in the single figure of Rossigno and 18 in Figure 1 of Hubbard. Note the CPU 12 of Rossigno. One of ordinary skill ⁱⁿ the trailer brake art would consider the electric circuit of Figure 3 of Abrams et al to be a CPU, as broadly interpretable.

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

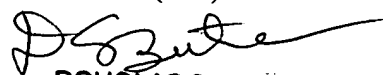
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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Exmr. Butler whose telephone number is (703) 308-2575. The examiner is normally in the USPTO Monday-Friday from 5:30 a.m. to 2:00p.m. Although the examiner may not always be present in his office to immediately answer the phone when called, the examiner will make every effort to return the call as soon as possible. If the examiner does not answer his phone, the examiner suggests that a brief message be recorded on the examiner's voice mail machine when necessary and appropriate. The examiner normally checks recorded phone calls at least once a day unless on leave.

The fax phone number for the organization where this application or proceeding is assigned is (703) 305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.


DOUGLAS C. BUTLER
PRIMARY EXAMINER
AU 3683

10/18/02